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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,933	12/21/2001	Marc Nazarc	02481.1768	7773
7590 02/25/2004				
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			EXAMINER KUMAR, SHAILENDRA	
			ART UNIT 1621	PAPER NUMBER

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/023,933

Applicant(s)

NAZARE ET AL.

Examiner

SHAIENDRA - KUMAR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-21 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. This office action is in response to applicants' communication filed on 12/2/03.
2. The restriction requirement of paper no. 8 mailed on 9/26/03, is hereby vacated, and a new restriction requirement is made as follows:

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claim 1-9, 11-21, drawn to compounds, composition, method of making and method of use, when compounds are totally non heterocyclic, classified in class various, subclass various.
  - II. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is aziridine, classified in class various, subclass various.
  - III. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is oxirane, classified in class various, subclass various.
  - IV. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is azetidine, classified in class various, subclass various.
  - V. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyrrole, classified in class various, subclass various.

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- VI. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is furan or thiophene, classified in class various, subclass various.
- VII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is dioxole, classified in class various, subclass various.
- VIII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is imidazole classified in class various, subclass various.
- IX. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyrazole, classified in class various, subclass various.
- X. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is oxazole, classified in class various, subclass various.
- XI. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is isoxazole, classified in class various, subclass various.
- XII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is thiazole or isothiazole, classified in class various, subclass various.

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- XIII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is 1,2,3, triazole or 1,2,4 triazole classified in class various, subclass various.
- IVX. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is tetrazole, classified in class various, subclass various.
- VX. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyridine, classified in class various, subclass various.
- VXI. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyran, or thiopyran, classified in class various, subclass various.
- VXII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyradizine, classified in class various, subclass various.
- VXIII. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyrimidine, classified in class various, subclass various.
- 19. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyrazine classified in class various, subclass various.

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20. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is oxaxines or thiazines, classified in class various, subclass various.
21. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is triazines, classified in class various, subclass various.
22. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is azepines and diazepines, classified in class various, subclass various.
23. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is indoles and isoindoles, classified in class various, subclass various.
24. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is benzofuran and benzothiophene, classified in class various, subclass various.
25. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is benzodioxole, classified in class various, subclass various.
26. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is indazole, classified in class various, subclass various.

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27. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is chromane, classified in class various, subclass various.
28. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is benzimidazole, classified in class various, subclass various.
29. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is benzoxazole, classified in class various, subclass various.
30. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is benzothiazole, classified in class various, subclass various.
31. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is quinoline and isoquinoline, classified in class various, subclass various.
32. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is cinnoline, classified in class various, subclass various.
33. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is quinazoline and quinoxaline, classified in class various, subclass various.

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34. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is phthalazine, classified in class various, subclass various.
35. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pteridine, classified in class various, subclass various.
36. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyridopyridines, classified in class various, subclass various.
37. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyridoimidazoles, classified in class various, subclass various.
38. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is pyridopyrimidines, classified in class various, subclass various.
39. Claims 1-21, drawn to compounds, composition and method of making and method of treating, when any of R0, M, or any other substituent is purine, classified in class various, subclass various.

The inventions are distinct, each from the other because of the following reasons:

The above 1-39 groups are divergent chemical groups classified in various groups according to US classification system. There are numerous class/subclass for the above groups and hence were not classified. Once the election is done, the elected group will



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be classified. The 39 groups are also distinct for the reasons that a reference anticipating one of the above groups may not render the others obvious under 35 USC 103.

Additionally, applicants need to elect a single disclose species for the either of the group elected for the examination purposes.

3. In view of the complexity of the restriction requirement, a written restriction requirement is hereby made..

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

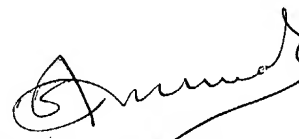
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA - KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAIENDRA - KUMAR  
Primary Examiner  
Art Unit 1621

S.Kumar  
2/20/04